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NASA Procedural Requirements

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30, 2013**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

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 (NASA Only)

Subject: Cash Management for Contracts

Responsible Office: Office of the Chief Financial Officer[| TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) | [AppendixA](#) |
[AppendixB](#) | [AppendixC](#) | [ALL](#) |

Appendix A. Definitions

A.1 Administrative Approval. Administrative approvals are written statements by civil service employees attesting to the facts of an individual transaction from personal knowledge.

A.2 Assignment. Assignment is defined as a transfer of assignment of any part of a claim against the United States Government or of an interest in the claim or the authorization to receive payment for any part of the claim. An assignment may be made only after a claim is allowed, the amount of the claim is decided, and a warrant for payment of the claim has been issued.

A.3 Claims. A claim is a written demand or written assertion by one of the contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to the contract. However, a written demand or written assertion by the contractor seeking the payment of money exceeding \$100,000 is not a claim under the Contract Disputes Act of 1978 until certified as required by the Act. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim. The submission may be converted to a claim, by written notice to the contracting officer as provided in 33.206(a), if it is disputed either as to liability or amount or is not acted upon in a reasonable time.

A.4 Contract. Contract is defined as a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. Contracts do not include grants and cooperative agreements covered by 31 U.S.C. § 6301, et seq. For discussion of various types of contracts, see FAR Part 16.

A.5 Central Contractor Registration (CCR) database. The Central Contractor Registration database is the primary Government repository for Contractor information required for the conduct of business with the Government.

A.6 Cross-Servicing. The process whereby Federal agencies refer delinquent debts to Treasury for collection.

A.7 Debt and Claim. The terms, "debt" and "claim," as used in this chapter are synonymous and interchangeable. They refer to any amount of money, funds, or property that has been determined by an agency official to be due to the United States from any person, organization, or entity, except another Federal agency.

A.8 Debt Collection Center - Private collection agency. A private sector company specializing in the collection of delinquent debt. A listing of agencies awarded Treasury debt collection contracts is provided on <http://fms.treas.gov/debt/pca.html>.

A.9 Debts Eligible for Cross-Servicing. Debts eligible for cross-servicing by Treasury include all debts that are eligible for transfer to Treasury except debt that is:

- a. In bankruptcy;

- b. Owed to Federal agencies of foreign governments;
- c. In an administrative appeals process; and
- d. In foreclosure.

A.10 Debts Eligible for Transfer (or mandatory referral). Debts "eligible for transfer to the Treasury" include debts, except as defined below, that have been delinquent for at least 60 days after the last demand letter has been sent, for which Treasury may take appropriate action to service, collect, or compromise the debt or to suspend or terminate collection action. The Debt Collection Act requires the referral to Treasury of debts that are over 180 delinquent.

A.11 Debts Not Eligible for Transfer (or mandatory referral). Debts that are "not eligible for transfer to the Treasury" includes debt:

- a. In litigation or foreclosure.
- b. To be disposed of under an approved asset sale program.
- c. Referred to a private collection contractor for a period of time acceptable to the Treasury.
- d. At a debt collection center for a period of time acceptable by the Treasury.
- e. Will be collected under internal offset procedures within 3 years after the debt first became delinquent.
- f. May be deemed exempt by the Treasury in accordance with 31 CFR 285.12 based on a determination that the exemption is in the best interest of the United States.

A.12 Delinquent Debt. Delinquent debt refers to a debt that has not been paid by the due date specified in the agency's initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement).

A.13 Electronic Funds Transfer. Electronic Funds Transfer (EFT) is define as any transfer of funds, other than a transaction originated by cash, check, or similar paper instrument that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term includes Automated Clearing House transfers, Fedwire transfers, and transfers made at automatic teller machines and point-of-sale terminals. For purposes of compliance with 31 U.S.C. § 3332 and implementing regulations at 31 Code of Federal Regulations (CFR) 208, "Management of Federal Agency Disbursements," the term "electronic funds transfer" includes a Governmentwide commercial purchase card transaction.

A.14 Invoice. Invoice is define as a contractor's bill or written request for payment under the contract for supplies delivered or services performed (also referred to as a voucher).

A.15 Receiving Report. Receiving report is written evidence that indicates Government acceptance of supplies delivered or services performed (see Subpart 46.6). Receiving reports must meet the requirements of 32.905(c).

A.16 Responsible Government Agency. The Responsible Government Agency is the Federal Office that is required by statute or regulation to pay a specific type of claim.

A.17 Surety. A surety is an individual or corporation legally liable for the debt, default, or failure of a principal to satisfy a contractual obligation. The types of sureties referred to are as follows: 1) An individual surety is one person, as distinguished from a business entity, who is liable for the entire penal amount of the bond, 2) A corporate surety is licensed under various insurance laws and, under its charter, has legal power to act as surety for others, and 3) A co-surety is one of two or more sureties that are jointly liable for the penal sum of the bond. A limit of liability for each surety may be stated.

A.18 Treasury Offset Program (TOP). A centralized offset program, administered by the FMS's Debt Management Services (DMS), and designed to collect delinquent debt owed to Federal government agencies and states. A Treasury disbursing official offsets the payment, in whole or in part, to satisfy the debt, to the extent legally allowed.

| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) | [AppendixA](#) |
[AppendixB](#) | [AppendixC](#) | [ALL](#) |

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